



Paper No. 27

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**COPY MAILED****MAY 31 2001**

In re Application of  
Immer et al.  
Application No. 09/027,777  
Filed: February 23, 1998  
Attorney Docket No. P108099-00001

**OFFICE OF PETITIONS**  
**A/C PATENTS**  
**DECISION ON PETITION**

This is a decision on the petition under 37 CFR 1.137(b), filed May 1, 2001, to revive the above-identified application.

This above-identified application became abandoned for failure to timely file a proper response to a non-final Office Action which was mailed on August 24, 2000. The non-final Office Action set a three (3) month shortened statutory period for reply. While petitioner did timely submit a Request for Continued Examination (RCE) and request for extension of time on February 26, 2001, the RCE was an improper reply to a non-final Office Action. Pursuant to 37 CFR 1.114 an RCE is applicable where the prosecution of the application has closed. No additional extensions of time were available under the provisions of 37 CFR 1.136(a). Accordingly, this application became abandoned on February 25, 2001. A Notice of Abandonment was subsequently mailed on March 15, 2001.


Having found that all requirements for the filing of a grantable petition under 37 CFR §1.137(b) have been met, this Petition is hereby **Granted**.

The above-identified application is being revived solely for purposes of continuity. As continuity has been established by this decision reviving the above-identified application, the above-identified application is again abandoned in favor of the Continuing Prosecution Application (CPA) filed May 22, 2001.

The Associate Power of Attorney and Change of Address submitted May 22, 2001 has been entered and made of record.

This application is being forwarded to Technology Center 1600 for further processing.

Telephone inquiries concerning this matter should be directed to Petitions Attorney Charlema R. Grant at (703) 306-0251.

  
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